

PATENT

#17
5/27/99
Mh

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: D. DeFeo-Jones et al.**Serial No.:** 08/468,161**Case No.:** 19253CA**Filed:** March 6, 1998**For:** NOVEL PEPTIDES**Art Unit:**
1811**Examiner:**
S. MarshallThe Honorable Assistant Commissioner for Patents
Washington, D.C. 20231LETTER

Sir:

RECEIVED
JUL 31 1998
GROUP 1800

The above-captioned Continued Prosecution Application (Case 19253CA) was filed by Express Mail on March 6, 1998, prior to the expiration of the period during which Applicants were to pay the Issue Fee for the prior application (Case 19253IB). The CPA Request Transmittal designated the incorrect "prior application number" as well as an incorrect filing date for the prior application and incorrect Express Mail number. That incorrect filing data corresponded to the CPA for the related application Case 19253IC, which was also filed by Express Mail on March 6, 1998.

Applicants are herewith submitting a replacement CPA Request Transmittal which correctly designates the information for the prior application. Applicants are also submitting a copy of the previously submitted CPA Request Transmittal, as well as a copy of the postcard previously submitted and appropriately stamped by the U.S. PTO. Applicants note that the postcard which was submitted and stamped on March 6, 1998 correctly designates Case 19253CA as "a CPA of Case 19253IB". Applicants note that Case 19253IB had Serial. No.


EXPRESS MAIL CERTIFICATE
DATE OF DEPOSIT July 27, 1998
EXPRESS MAIL NO. EM358360059US
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS EXPRESS MAIL "POST OFFICE TO
ADDRESSEE" BEFORE 5 P.M. ON THE ABOVE DATE IN
AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER
FOR PATENTS, WASHINGTON, D.C. 20231.
MAILED BY [Signature]
DATE July 27, 1998

08/468,161. Applicants also are submitting a copy of an Information Disclosure Statement submitted with the CPA Request Transmittal which correctly designates the serial number of the Case 19253CA CPA as 08/468,161.

In light of the submitted proofs, Applicants request that the CPA which is a continuation of U.S. Serial. No. 08/468,161 be entered and that examination of that CPA continue the examination of Case 19253IB in light of the new references submitted by the Information Disclosure Statement.

Applicants respectfully thank Ms. Donna Chapman in Group 1600 for assistance in determining what procedures to follow to correct this unintentional error in the preparation of the CPA Request Transmittal.

Respectfully submitted,

By: 

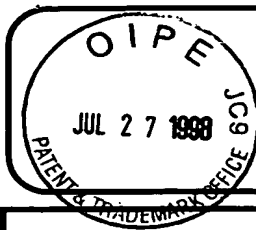
David A. Muthard
Registration No. 35,297
Attorney for Applicants

MERCK & CO., INC.
P.O. Box 2000 - RY 60-30
Rahway, New Jersey 07065-0907
Telephone No. (732) 594-3903

Date: July 27, 1998

Please type a plus sign (+) inside this box ☐

PTO/SB/29 (12/97)



**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☒ DUPLICATE

Address to: Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No.	19253CA
	First Named Inventor	D. DeFeo-Jones, et al.
	Express Mail Label No.	EM358360059US
	Total Pages	7 + references

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 08 / 468,161,
filed on 6/6/95, entitled NOVEL PEPTIDES

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

C-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application 37 CFR 1.53 (d)(4).

a. ☐ **DELETE** the following inventor(s) named in the prior application:

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

07/30/1998 INFORMATION DISCLOSURE STATEMENT (IDS) is enclosed:

01 FC:131

790.00 CH

- a. ☒ PTO-1449
- b. ☒ Copies of IDS Citations

MAY 04 1999

MATERIALS CUSTOMER SERVICE CENTER

[Page 1 of 2] (computer generated form No. C6 - Merck & Co., Inc., 1/98)

EXPRESS MAIL CERTIFICATE	
DATE OF DEPOSIT	July 27, 1998
EXPRESS MAIL NO.	EM358360059US
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" BEFORE 5 P.M. ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, BOX CPA, WASHINGTON, D.C. 20231.	
MAILED BY	<i>Frene Samuel</i>
DATE	<i>July 27, 1998</i>

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS	
	TOTAL CLAIMS (37 CFR 1.16(c))	9	-20 =	0	x \$ 22	\$0.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	1	-3 =	0	x \$ 82	\$0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable)(37 CFR 1.16(d))				+ \$270	
					BASIC FEE (37 CFR 1.16(a))	\$790.00
					TOTAL =	\$790.00

6. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 13-2755:

- a. ☒ Fees required under 37 CFR 1.16.
b. ☐ Fees required under 37 CFR 1.17.
c. ☐ Fees required under 37 CFR 1.18.

7. ☐ Other:

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

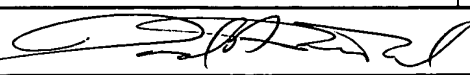
Customer No. 000210

or ☐ New correspondence address below

(insert Customer No. or Attach bar code label here)

NAME					
ADDRESS					
CITY		STATE		ZIP CODE	
COUNTRY		TELEPHONE		FAX	

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	DAVID A. MUTHARD	REGISTRATION NO.	35,297
SIGNATURE			
DATE	7/27/98		

POST OFFICE
TO ADDRESSEE

EXPRESS MAIL
UNITED STATES POSTAL SERVICE



EM358360204US

For Pickup or Tracking Call 1-800-222-1811

ORIGIN (POSTAL USE ONLY)

INTERNATIONAL SHIPMENTS ONLY <input type="checkbox"/> Business Papers <input type="checkbox"/> Merchandise Customs forms and commercial invoice may be required. See Pub. 273 and International Mail Manual.	P.O. ZIP	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/> Flat Rate Envelope	
	Date in 3/6/98 Mo. Day Yr.	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$
	Time in <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt
	Weight lbs oz	Int'l Alpha Country Code	C.O.D.
	No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time AM PM	Employee Signature
Mo. Day		
Delivery Attempt	Time AM PM	Employee Signature
Mo. Day		
Delivery Attempt	Time AM PM	Employee Signature
Mo. Day		
Signature of Addressee or Agent		
X		
Name - Please Print		
X		

CUSTOMER USE ONLY

METHOD OF PAYMENT: X070505 Express Mail Corporate Acct. No.	<input type="checkbox"/> WAVES OF SIGNATURE (Domestic Only): I wish delivery to be made without obtaining the signature of the addressee or the addressee's agent (if in the judgment of the delivery employee, the article can be left in a secure location) and I authorize the delivery employee to sign that the shipment was delivered and understand that the signature of the delivery employee will constitute valid proof of delivery.
Federal Agency Acct. No. or Postal Service Acct. No.	
<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> WEEKEND <input type="checkbox"/> HOLIDAY	

FROM: (PLEASE PRINT) PHONE MERCK & CO., INC. PATENT DEPARTMENT PO BOX 2000 RAHWAY NJ 07065-0907 Attn: David A. Muthard	TO: (PLEASE PRINT) PHONE ASSISTANT COMMISSIONER FOR PATENTS BOX APPLICATIONS CPA WASHINGTON DC 20231-0001
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EM358360204US

THE PATENT & TRADEMARK OFFICE ACKNOWLEDGES, AND HAS
STAMPED HEREON, THE DATE OF THE RECEIPT AND THE ASSIGNED
SERIAL NUMBER OF THE FOLLOWING PATENT APPLICATION:

CASE NUMBER	DATE	ATTORNEY	EXPRESS MAIL <input checked="" type="checkbox"/>
19253CA	3/6/98	DA Muthard	EM358360204US
TITLE NOVEL PEPTIDES			
INVENTORS D. DeFeo-Jones, et al.		This is a CPA of Case 19253IB	
NO. OF PAGES	NO. OF CLAIMS	PAGES OF DRAWING	
DECLARATIONS		ACCOUNT CHARGE 13 - 2755 \$ 790.00	

F1071.3 REV.9/93

BEST AVAILABLE COPY



PATENT & TRADEMARK OFFICE ACKNOWLEDGES, AND HAS STAMPED HEREON, THE DATE OF THE RECEIPT AND THE ASSIGNED SERIAL NUMBER OF THE FOLLOWING PATENT APPLICATION: **19253**

CASE NUMBER 19253CA	DATE 3/6/98	ATTORNEY DA Muthard	EXPRESS MAIL <input checked="" type="checkbox"/> EM358360204US
TITLE NOVEL PEPTIDES			
INVENTORS D. DeFeo-Jones, et al.		This is a CPA of Case 19253IB	
NO. OF PAGES .	NO. OF CLAIMS .	PAGES OF DRAWING 22	
DECLARATIONS .		ACCOUNT CHARGE 13 - 2755 \$ 790.00	

F1071.3 REV.9/93

REC
JUL 31 1998
GROUP 1800